

**OPINION
61-154**

February 13, 1961(OPINION)

MOTOR VEHICLES

RE: Registration Fees - Refunds

Your letter requesting an opinion as to the legal authority for making refunds in your department is herewith acknowledged.

Prior to the 1959 session, refunds were specifically authorized in Section 39-04042 of the 1957 Supplement, N.D.R.C. 1943 and to certain nonresidents temporarily in the state pursuant to Section 39-0446 of the 1957 Supplement to the N.D.R.C. 1943.

During the redraft of Title 39-04 by the 1959 legislative assembly, the provision relating to refunds to veterans was transferred to subdivision 3 of Section 39-04-19 and the matter of refunds to nonresidents was rewritten to provide for temporary registrations in such manner as may be prescribed by the Motor Vehicle Registrar and is now found in Section 39-04-21.

Other than the two refunds discussed above we fail to find any specific authority for you to refund motor vehicle registration fees, and by limiting the refund appropriation to five hundred dollars, it is quite obvious that the Legislature intended that you not make other refunds.

LESLIE R. BURGUM
Attorney General